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Attorneys for Plaintiffs ABBOTT DIABETES
CARE INC. and ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABBOTT DIABETES CARE INC. and
ABBOTT LABORATORIES,

Plaintiffs,

vs.

ROCHE DIAGNOSTICS CORPORATION
and BAYER HEALTHCARE LLC

Defendants.

CASE NO. C05-3117 MJJ

Order granting:

**JOINT STIPULATION CONCERNING
DEADLINE FOR PARTIES TO FILE
OPENING AND OPPOSITION BRIEFS ON
CLAIM CONSTRUCTION**

1 **JOINT STIPULATION**

Pursuant to the Case Management Order, Plaintiff and Counterdefendant, TheraSense, Inc. ("TheraSense") and Plaintiff Abbott Laboratories ("Abbott") (collectively "Plaintiffs"), and Defendant and Counterplaintiff, Becton, Dickinson & Company ("BD"), and Defendant Nova Biomedical Corp. ("Nova") (collectively "Defendants"), had agreed to file opening briefs on claim construction on October 29, 2005 and also to file opposition briefs on claim construction on November 19, 2005. The parties stipulate as follows: (1) opening briefs will be filed on Monday, October 31, 2005; and (2) opposition briefs will be filed on November 21, 2005.

2 DATED: October 27, 2005

Ropes & Gray LLP

Mark D. Meredith

ATTORNEYS FOR BECTON DICKINSON
AND NOVA BIOMEDICAL

7 DATED: October 2, 2005

BAKER BOTTS LLP

James W. Cannon, Jr.

ATTORNEYS FOR PLAINTIFFS ABBOTT
DIABETES CARE INC. AND ABBOTT
LABORATORIES

PURSUANT TO STIPULATION, IT IS SO ORDERED

By: Martin J. Jenkins
Honorable Martin J. Jenkins
UNITED STATES DISTRICT JUDGE